

REMARKS

Claims 1-3, 5-13, and 15-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Compton in view of Hatori and Wesinger. These rejections are traversed.

For example, claim 1 calls for automatically searching, on a plurality of web sites, for streaming video files. Compton does not teach or suggest the same. In the Office action, the examiner asserts that Compton's search engine inherently searches a plurality of web sites. Paper No. 20060605, page 2. To be inherent, the missing descriptive matter is necessarily present in the thing described—inherency cannot be established by probabilities or possibilities. *See* MPEP § 2112. *See also In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q. 2d 1949, 1950-51 (Fed. Cir. 1999) (“The mere fact that a certain thing may result from a given set of circumstances is not sufficient.”) (Emphasis added). Based on Compton's disclosure, it is clear that the search engine does not necessarily search for streaming video files on a plurality of web sites.

Compton makes only one reference to a search engine and that is in connection with the archive database 24. Column 4, lines 30-42. Specifically, Compton states “all relevant information pertaining to the current video information is inserted into the archive database...this database is used in conjunction with a search engine.” Column 4, lines 30-36. Thus, only the searching disclosed by Compton is done by a search engine that searches an archive database. *See* column 4, lines 25-42. Clearly, searching one archive database is not the same as searching on a plurality of web sites.

Moreover, Compton does not store information in the archive database as a result of a search of a plurality of web sites. For example, in Compton, a video staging and delivery server 22 creates a directory and it maintains and updates the archive database. Column 3, lines 65-column 4, line 42. The directory is created when valid background information for analog video information is forwarded to the server 22. Column 3, line 62-column 4, line 1. Thereafter a request is made to a capture and encoding system 12 to capture and encode the appropriate analog video segment. The capture and encoding system 12 receives analog video and converts it to a compressed digital file. Column 4, lines 21-29; column 5, line 55-column 6, line 64. The compressed video segment is sent to an output web site for storage. *Id.* The server 22 knows the web site destination for the compressed video clip. Column 4, lines 13-20.

The server 22 also maintains the updating of the archive database. Therefore, information pertaining to a current video may be maintained at both at the archive database and

at the output web site. *See* column 4, lines 8-42; column 7, lines 34-43. At no time does Compton say that video information is first stored on a web site and then the web site is searched to update the archive database. Thus, it is respectfully submitted that the search engine that searches Compton's archive database does not *necessarily* search a plurality of web sites. In fact, the opposite is true—the archive database is updated in connection with the distribution of a video signal to a web site.

That Compton's search engine searches a single database instead of a plurality of web sites is supported by the citation in the Office action to Wesinger. *See* Paper No. 20060605. Namely, Wesinger states that persons having web sites may wait for a robot or a spider to find their pages, or they may pay a fee to have their web pages listed in a database. Wesinger, column 2, lines 8-16. Therefore, Wesinger supports the conclusion that it is not inherent in Compton for a search engine to search a plurality of web sites. For these reasons, the examiner's assertions of inherency are traversed.

Claim 1 also recites selecting particular streaming video files from the plurality of web sites based on a text search using keywords. In the Office action, the examiner also asserts that the search engine inherently uses a text search using keywords. There is nothing in Compton that requires the search engine to search using keywords. Paper No. 20060605, page 2. In fact, the examiner's rejection of claim 2 indicates that it is not necessary for the search engine to use a text search using keywords. That is, to reject claim 2, the examiner asserts that Compton discloses searching for predetermined file extensions. *See* Paper No. 20060605, page 3. Because the examiner has shown an alternative, which is allegedly taught by Compton, it is submitted that it is not necessary for the search engine use a keyword to search. Rather, it is merely a possibility, which precludes it from being inherent. *See In re Robinson*, 169 F.3d at 745. Therefore, the examiner has not established *prima facie* obviousness with respect to claim 1.

Claim 1 also recites in response to said search, automatically generating a graphical user interface including representations of the selected streaming video files and the keywords, the video file representations organized by the keywords. In the Office action, the examiner cites to Compton at column 4, lines 43-65 and column 7, lines 16-27 as disclosing the above limitation. In Compton, if the archive database is searched for a particular video segment, the location and web-based links needed to access the requested video segment are provided. Column 4, lines 37-

40. There is nothing in this portion of Compton that refers to a keyword search and the search result does not return a representation of a streaming video file such as thumbnail. All that is provided is a link so that the video segment may be accessed.

Furthermore, Compton's disclosure that a given web site may have category pages does not alter the result of Compton's archive database search. *See* column 7, lines 15-27. That is, if a video segment is copied to particular output web site server, that web site's category pages may be updated in view of the additions (and subtractions) made on that particular day. Column 7, lines 15-27. When a web user selects the category button from a home page, he or she will see the video segments for the selected category. *Id.* But the video clips are distributed to the given web server; therefore a user's selection from a category page does not invoke a search on the archive database. Thus, the mere fact that a particular web site may categorize video clips on category pages has no bearing on the generation of a graphical user interface in response to a search of a plurality of web sites.

Given that Compton fails to disclose searching a plurality of web sites and selecting video files based on a text search using keywords, there is no suggestion or motivation to modify Compton in view of Hatori other than by inappropriate hindsight reasoning. Simply, Hatori has nothing to do with searching the Internet or a plurality of web sites. Rather, Hatori only discloses data retrieval from a hard disk or the like. *See* column 3, lines 12-16, 64-65.

As every limitation of claim 1 has not been taught or suggested by Compton in view of Hatori, and there is no suggestion to combine the teachings of Compton and Hatori, *prima facie* obviousness has not been established for claim 1. Accordingly, *prima facie* obviousness has not been established for any claim dependent upon claim 1. Under a similar analysis, *prima facie* obviousness has not been established with respect to claims 11-13, 15-23, and 25-29.

The rejections of claims 8-10 are specifically traversed. Namely, the basis for the rejection is unclear. Presumably claims 8-10 are rejected as being obvious over Compton in view of Hatori and Wesinger. But the examiner cites to another reference, Reilly, without providing any basis for using this reference much less providing any suggestion or motivation for modification in view of the Reilly reference. Therefore *prima facie* obviousness has not been established for claims 8-10.

The same is true for claim 24. That is, claim 24 is rejected over Compton in view of Reilly; however, there is no citation to Reilly in the rejection. Instead Hatori, which is

apparently not relied on, is referred to. Moreover, the examiner has not provided a suggestion or motivation for the desirability of the proposed modification. Therefore *prima facie* obviousness has not been established.

In view of the amendment and remarks herein, reconsideration of each of the rejections is requested. As the application is in condition for allowance, the examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to the deposit account 20-1504 (ITL.0409US).

Respectfully submitted,

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Rhonda L. Sheldon, Reg. No. 50,457
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys For Intel Corporation

Customer No.: 21906